

**IN THE CIRCUIT COURT OF PLEASANTS COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**BB LAND, LLC, a West Virginia Company,
and JB EXPLORATION 1, LLC, a
West Virginia Company,**

Plaintiffs,

vs.

**BLACKROCK ENTERPRISES, LLC,
a West Virginia Company, and
MICHAEL L. BENEDUM,**

Defendants.

FILED IN OFFICE

JUN 28 2019

**MILLIE FARNSWORTH
CIRCUIT COURT CLERK
PLEASANTS CO WV**

**Civil Action No.: 18-C-2
Presiding: Judge Lorensen
Resolution: Judge Carl**

**ORDER AMENDING ORDER GRANTING LEAVE TO FILE
AMENDED ANSWER, COUNTERCLAIM AND THIRD-PARTY COMPLAINT
ENTERED DECEMBER 20, 2018**

This matter came before the Court this 28th day of June 2019. Upon the full consideration of the issues, the record, and the pertinent legal authorities, the Court rules as follows.

FINDINGS OF FACT

1. On August 15, 2018, Defendant/Third-Party Plaintiff, Blackrock Enterprises, LLC, filed a Motion for Leave to File Amended Answer, Counterclaim and Third-Party Complaint. Blackrock's proposed Amended Answer, Counterclaim and Third-Party Complaint was attached to said Motion as Exhibit 1.
2. On December 20, 2018, the Court entered an Order Granting Motion for Leave to File Amended Answer, Counterclaim, and Third-Party Complaint. Said Order stated that

the Court "DIRECTS the Clerk to file Blackrock Enterprises, LLC's Amended Answer, Counterclaim and Third-Party Complaint (attached hereto as Exhibit 1). The Amended Answer, Counterclaim and Third-Party Complaint was not attached to the Order.

CONCLUSIONS OF LAW

The general rule of amendments to civil actions is governed by Rule 15 of the West Virginia Rules of Civil Procedure. Rule 15 of the West Virginia Rules of Civil Procedure provides, in pertinent part,

...a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires...

W. Va. R. Civ. P. 15.

The Court reiterates its decision to allow Blackrock to file its Amended Answer, Counterclaim and Third-Party Complaint, and finds that the proposed Amended Answer, Counterclaim and Third-Party Complaint, attached as an Exhibit to Blackrock's Motion for Leave to File Amended Answer, Counterclaim and Third-Party Complaint filed August 15, 2018 shall be deemed filed. The Court notes that on January 18, 2019, Plaintiffs BB Land, LLC and JB Exploration 1, LLC filed their Answer to Defendant Blackrock Enterprises, LLC's Counterclaim. Likewise, the Court notes that on January 18, 2019, Third-Party Defendants Jay-Bee Production Company, Jay-Bee Oil & Gas, Inc., and Randy J. Broda filed their Answer to Defendant Blackrock Enterprises, LLC's Third-Party Complaint.


CONCLUSION

The Court does hereby ORDER Blackrock Enterprises, LLC's Amended Answer, Counterclaim and Third-Party Complaint, attached as an exhibit to Blackrock Enterprises, LLC's

Motion for Leave to File Amended Answer, Counterclaim and Third-Party Complaint, to be deemed filed in the case file for the instant civil action. The parties shall proceed with this case pursuant to the West Virginia Rules of Civil Procedure, all other applicable law, and any scheduling orders entered by this Court.

The Court directs the Circuit Clerk to distribute attested copies of this order to all counsel of record, and to the Business Court Central Office at West Virginia Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

Enter: June 28, 2019



JUDGE MICHAEL D. LORENSEN
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.
Attest: Millie Farnsworth, Circuit Clerk
Pleasants County of West Virginia

